

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of

A Brown 1998 Chevrolet Tahoe with AZ license
plate BJV-9322 and VIN 1GNEK13ROWJ351324.

Case No. 23-04006MB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona.
(identify the person or describe the property to be searched and give its location):

As further described in Attachment A.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

As set forth in Attachment B.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before February 6, 2023.
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge.

Any U.S. Magistrate on duty in Arizona.
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for days (not to exceed 30)☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____

Camille D. BiblesDigitally signed by Camille D. Bibles
Date: 2023.01.23 11:44:12 -07'00'

Judge's signature

City and State: Flagstaff, ArizonaHonorable Camille D. Bibles, U.S. Magistrate Judge

Printed name and title

AO 93 (Rev. 01/09) Search and Seizure Warrant (Page 2)

RETURN

Case No.:

23-04006MB

Date and Time Warrant Executed:

Copy of warrant and inventory left with:

Inventory Made in the Presence of:

Inventory of the property taken and name of any person(s) seized:

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date:

Executing officer's signature

Printed name and title

ATTACHMENT A – PROPERTY TO BE SEARCHED

DESCRIPTION OF VEHICLE: A Brown 1998 Chevrolet Tahoe with AZ license plate BJV-9322 and VIN 1GNEK13ROWJ351324.

The vehicle is currently located inside the confines of FBI Flagstaff.

PHOTO ATTACHED: Yes



ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Any traces of blood, hair, skin, or other biological material; and latent fingerprints, to include palms or other contact marks, which may be used for identification of the occupants or victim.
2. Any material fibers found in or on the vehicle which may be needed to include or exclude materials found on and with the occupants or victim.
3. Any identifiable damaged components and/or parts to include paint chips, glass, dents, deformations, and voids which may link the vehicle to the crash scene, to other vehicles, to its occupants or victim, and or to its occupants' positions.
4. Any personal effects to include vehicle registrations, proof of insurance, bill of sale, receipts, personal property, other personal paperwork, or other indicia of ownership, dominion, or control of the above-described vehicle.
5. Any controlled substances, prescriptions, medications, alcoholic beverages, and/or their containers, and associated paraphernalia.
6. Indicia of ownership, occupancy, and/or use of the vehicle, including such things as mail (e.g., bills) that may be addressed to the occupant(s), driver's licenses and identification cards, vehicle title, registration, and personal property such as clothing that may identify the owners and/or occupants of the vehicle.
7. Photographs and/or video of the vehicle and the things seized.

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of:

A Brown 1998 Chevrolet Tahoe with
AZ license plate BJV-9322 and VIN
1GNEK13ROWJ351324.

Case No. 23-04006MB

ELECTRONIC APPLICATION FOR SEARCH AND SEIZURE WARRANT

I, F.B.I. Special Agent Brandon King, a federal law enforcement officer for the government, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A.located in the District of Arizona, there is now concealed (*identify the person or describe the property to be seized*):**See Attachment B.**The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section18 U.S.C. §§ 1153
and 113(a)(6)Offense Description

Assault Resulting in Serious Bodily Injury

The application is based upon the following facts:

- ☒ Continued on the attached sheet (see attached **Affidavit**).
☐ Delayed notice _____ days (give exact ending date if more than 30 _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Ryan Powell

Ryan Powell

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 1/23/2023

Brandon King

Applicant's Signature

Brandon King, F.B.I. Special Agent

Printed Name and Title

Sworn by Telephone

Date/Time: _____

Date: _____

Camille D.
BiblesDigitally signed by Camille
D. Bibles
Date: 2023.01.23 11:43:35
-07'00'

Judge's Signature

City and State: Flagstaff, AZCamille D. Bibles,
United States Magistrate Judge

Printed Name and Title

ATTACHMENT A – PROPERTY TO BE SEARCHED

DESCRIPTION OF VEHICLE: A Brown 1998 Chevrolet Tahoe with AZ license plate BJV-9322 and VIN 1GNEK13ROWJ351324.

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PHOTO ATTACHED: Yes



ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Any traces of blood, hair, skin, or other biological material; and latent fingerprints, to include palms or other contact marks, which may be used for identification of the occupants or victim.
2. Any material fibers found in or on the vehicle which may be needed to include or exclude materials found on and with the occupants or victim.
3. Any identifiable damaged components and/or parts to include paint chips, glass, dents, deformations, and voids which may link the vehicle to the crash scene, to other vehicles, to its occupants or victim, and or to its occupants' positions.
4. Any personal effects to include vehicle registrations, proof of insurance, bill of sale, receipts, personal property, other personal paperwork, or other indicia of ownership, dominion, or control of the above-described vehicle.
5. Any controlled substances, prescriptions, medications, alcoholic beverages, and/or their containers, and associated paraphernalia.
6. Indicia of ownership, occupancy, and/or use of the vehicle, including such things as mail (e.g., bills) that may be addressed to the occupant(s), driver's licenses and identification cards, vehicle title, registration, and personal property such as clothing that may identify the owners and/or occupants of the vehicle.
7. Photographs and/or video of the vehicle and the things seized.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY SUBMITTED AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR A SEARCH WARRANT

I, FBI Special Agent Brandon King, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been since 2019. I previously served as a sworn law enforcement officer for approximately four years with the Akron Police Department in Akron, Ohio. I am a graduate of the FBI Training Academy in Quantico, Virginia, where I received training in narcotics investigations, white collar crime, cyber-crime, interviewing, interrogation, evidence collection, intelligence analysis, and legal matters, among other topics. I am currently assigned to the Flagstaff Resident Agency of the Phoenix Division. I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7), that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. In the course of my official duties, I am charged with the investigation of crimes occurring on the Navajo Nation and Hopi Indian Reservations within the District of Arizona. Based on my training, education, and experience, I know that the Navajo Nation and Hopi tribes are federally recognized.

2. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This Affidavit is intended to show merely that there is sufficient

probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

INTRODUCTION

3. This matter involves the investigation of vehicular assault by Delbert Hyden in Tuba City, Arizona, on the Navajo Nation Indian Reservation, on or about November 23, 2022.

4. This affidavit supports the application for a search warrant authorizing the search of a 1998 Chevrolet Tahoe with AZ license plate BJV-9322 and VIN 1GNEK13ROWJ351324. There is probable cause to believe that this vehicle contains evidence of Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 1153 and 113(a)(6). The vehicle is particularly described in **Attachment A**, and the evidence being sought is particularly described in **Attachment B**.

PROBABLE CAUSE

5. On or about November 23, 2022, at approximately 1:01 a.m., police received a call from M.B. that someone in a dark colored Chevrolet Suburban was shooting at her daughter. M.B. called back to report that the Suburban drove over her son, L.B., at a residence in Tuba City, Arizona. M.B. described the vehicle first as a dark blue Suburban, then as a brown Yukon. She identified the driver as Delbert Hyden.

6. Responding officers noticed a vehicle matching the description leaving the area. Officers activated their lights to conduct a traffic stop on the vehicle. The vehicle fled at a high rate of speed until one of the vehicle's tires popped. The driver, Delbert Hyden, was identified and arrested. During the pursuit, a black rifle and other items were thrown

from the vehicle. Officers recovered an AR-15, bag of green leafy substance, glass pipe, and a lighter. The vehicle was towed to the Tuba City Police Department vehicle storage lot. Delbert Hyden was booked into the Tuba City Detention Center.

Custodial Interview of Delbert Hyden (FBI):

7. On November 28, 2022, Delbert Hyden was interviewed by FBI SA Jen Mulhollen and Criminal Investigator (CI) Albert Nez at the Tuba City Detention Center. The interview of Hyden was recorded, and Hyden was advised of his rights. Hyden said that on November 22, 2022, K.C., his on-and-off girlfriend, came over to his house. They got into an argument and K.C. left the residence. Later, K.C. picked up Hyden from his residence and went to K.C.'s residence to do laundry. They got into an argument about cheating and Hyden asked to be dropped off at his house.

8. Hyden "jumped out" of K.C.'s car because he did not want to argue with her. Hyden walked to his uncle's house. Hyden borrowed his uncle's brown Tahoe and drove to his house, where he noticed the windows to his mother's car were busted out. Hyden drove to K.C.'s mother's house looking for K.C. Hyden saw K.C. and her brother outside. Hyden said they began cussing and throwing things at him. Hyden had to put the Tahoe in reverse to leave the residence. Hyden denied running over anyone and could not explain the blood on the Tahoe. Hyden denied having a gun in the vehicle.

Victim Interview (FBI):

9. On November 28, 2022, I interviewed L.B. at Flagstaff Medical Center. L.B. said two or three days before Thanksgiving, he was walking with his sister, K.C., who was scared of her boyfriend, Delbert Hyden. K.C. wanted someone to stay the night with her.

Hyden pulled up in his Tahoe and began calling K.C. nasty names. Hyden held up a rifle, and L.B. heard it cocking five to six times. Hyden held the rifle halfway out of the window. L.B. heard something drop, which he thought was the magazine.

10. L.B. ran over to take the rifle or magazine away. L.B. got ahold of the magazine and pulled it out, striking himself in the eye. L.B. threw the magazine over the car. L.B. grabbed the gun and Hyden put the vehicle in reverse and “stepped on it.” L.B. let go of the gun as the vehicle reversed. L.B. ended up on the dirt shoulder in front of the vehicle’s driver’s side. Hyden drove forwards and turned, striking L.B. in the hip with the bumper. L.B. went under the vehicle, and it drove over him and onto the dirt in front of the wall.

11. L.B. stated he was not in the road, he was on the dirt shoulder. L.B. did not jump in front of the vehicle.

Witness Interview (FBI):

12. On November 28, 2022, I interviewed K.C. in Flagstaff, Arizona. K.C. and Delbert Hyden dated for approximately two years before separating in September. They got back together in November. K.C. and Hyden got into an argument on November 22 at approximately 10 p.m. They were at Hyden’s house, so K.C. left. Hyden called and apologized, and K.C. went to his house and picked him up. They went to K.C.’s house to do laundry. Hyden had been drinking alcohol.

13. K.C. and Hyden left her house, and Hyden started punching K.C. in the face while she drove. Hyden jumped out of the car, and K.C. called the police. K.C. drove to

her mother's house. K.C. told L.B. what happened. L.B. offered to stay the night with K.C. because K.C. was scared of Hyden returning.

14. Hyden drove up in his brown Yukon or Tahoe. He parked in the center of the road and L.B. and Hyden began cussing at each other. K.C. heard a gun cocking multiple times. Hyden and L.B. began fighting. Hyden was moving forward in the vehicle when L.B. pulled out a magazine. Hyden quickly reversed the vehicle, squealing the tires. Hyden charged at L.B. in the vehicle. Hyden drove up a little hill and hit L.B. Hyden drove off the pavement to strike L.B. with the vehicle's driver's side.

Medical Records:

15. L.B. was transported to Tuba City Regional Hospital on or about November 23, 2022. Records indicate that he received three doses of fentanyl to help with pain in the emergency department. X-rays revealed a pelvis fracture, specifically: "Patient does have bilateral superior inferior pubic rami fractures. Evaluation of the left side reveals a larger fracture with some retroperitoneal blood noted and a possible area with blush noted. The pelvic fractures along with the possible small area of blush due to the pelvic fracture may require further intervention that is not possible in Tuba City."

16. L.B. was transferred to Flagstaff Medical Center. Records indicate he reported 10 out of 10 pain in the pelvic area. L.B. underwent surgery to repair his pelvis, including the placement of multiple screws.

Photographs from scene



Image 1: This photograph was taken by Criminal Investigator Albert Nez showing the popped tire. The vehicle is stopped on Moenave Road.



Image 2: This photograph was taken by Criminal Investigator Albert Nez during the daytime of the vehicle's front end.



Image 3: This photograph was taken by Criminal Investigator Albert Nez during the daytime of the vehicle's front end. The closer view shows potential blood splatter.



Image 4: This photograph was taken by Criminal Investigator Albert Nez of tire tracks in the dirt shoulder of Cactus Circle during the daytime.



Image 5: This photograph was taken by Criminal Investigator Albert Nez the night of the incident. A magazine with tire marks was found in the intersection of Cactus Loop and Cactus Circle.



Image 6: This photograph was taken by Criminal Investigator Albert Nez the night of the incident. The firearm was found on Moenave Road.

THINGS TO BE SEARCHED FOR AND SEIZED

17. Based on the foregoing, your Affiant seeks permission to search the brown Chevrolet Tahoe described in **Attachment A** for evidence pertaining to Assault Resulting in Serious Bodily Injury. Based on your Affiant's training and experience, blood evidence may be transferred and/or deposited during and after a vehicular accident that will assist in identifying the victim. Such evidence may corroborate the testimony of witnesses. Your Affiant seeks to search for and collect blood evidence, to include blood, dried blood, and/or substances that appear to be blood, which may be on the exterior and/or interior of the vehicle described in **Attachment A**. Your Affiant further requests to seek and collect papers or documents related to the ownership of the vehicle.

18. The things to be searched for and seized are described further in **Attachment B**.

CONCLUSION

19. Based on the information in this affidavit, your Affiant respectfully submits there is probable cause to believe that evidence described in **Attachment B**, supporting an investigation related to a violation of 18 U.S.C. §§ 1153 and 113(a)(6), will be discovered in the vehicle described in **Attachment A**.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

Brandon King
Brandon King
Special Agent, FBI

1/23/2023
Date

Sworn by Telephone

Date/Time: _____

Camille D. Bibles Digitally signed by
Camille D. Bibles
Date: 2023.01.23
11:43:02 -07'00'

Honorable Camille D. Bibles
United States Magistrate Judge